



**US Army Corps
of Engineers®**

Nashville District

Public Notice

Public Notice No. 04-01

Date: January 9, 2004

Application No. 4442101

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214

JOINT PUBLIC NOTICE US ARMY CORPS OF ENGINEERS TENNESSEE VALLEY AUTHORITY AND THE STATE OF TENNESSEE

SUBJECT: Proposed Bank Stabilization Between Tennessee River Miles 441.9 – 443.2, Left Bank, Nickajack (& Cummings) Lakes, Marion County, TN

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA)**. Before a permit can be issued, certification must be provided by the state of Tennessee, Division of Water Pollution Control, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: **Mr. Robert H. Caldwell**
22579 Highway 41
Chattanooga, Tennessee 37419

LOCATION: Tennessee River Miles 441.9 – 443.2, Left Bank, Nickajack (& Cummings) Lakes, Marion County, TN lat 35° 2' 8.5", lon 85° 25' 50.6", Wauhatchie, TN Quadrangle

DESCRIPTION: The applicant proposes to place ~ 6,500 lineal feet of riprap along the shoreline of Nickajack and Cummings Lakes. It would consist of 8,850 cubic yards of quarry run rock varying in size from 10"-12" in diameter. The riprap would extend from Elevation 638 down to Elevation 631 on a 1.5:1 slope. Normal summer pool elevation on Nickajack Lake is 634.0. The work would be performed at normal winter pool elevation 632.0.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are considered in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit. Comments may be used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

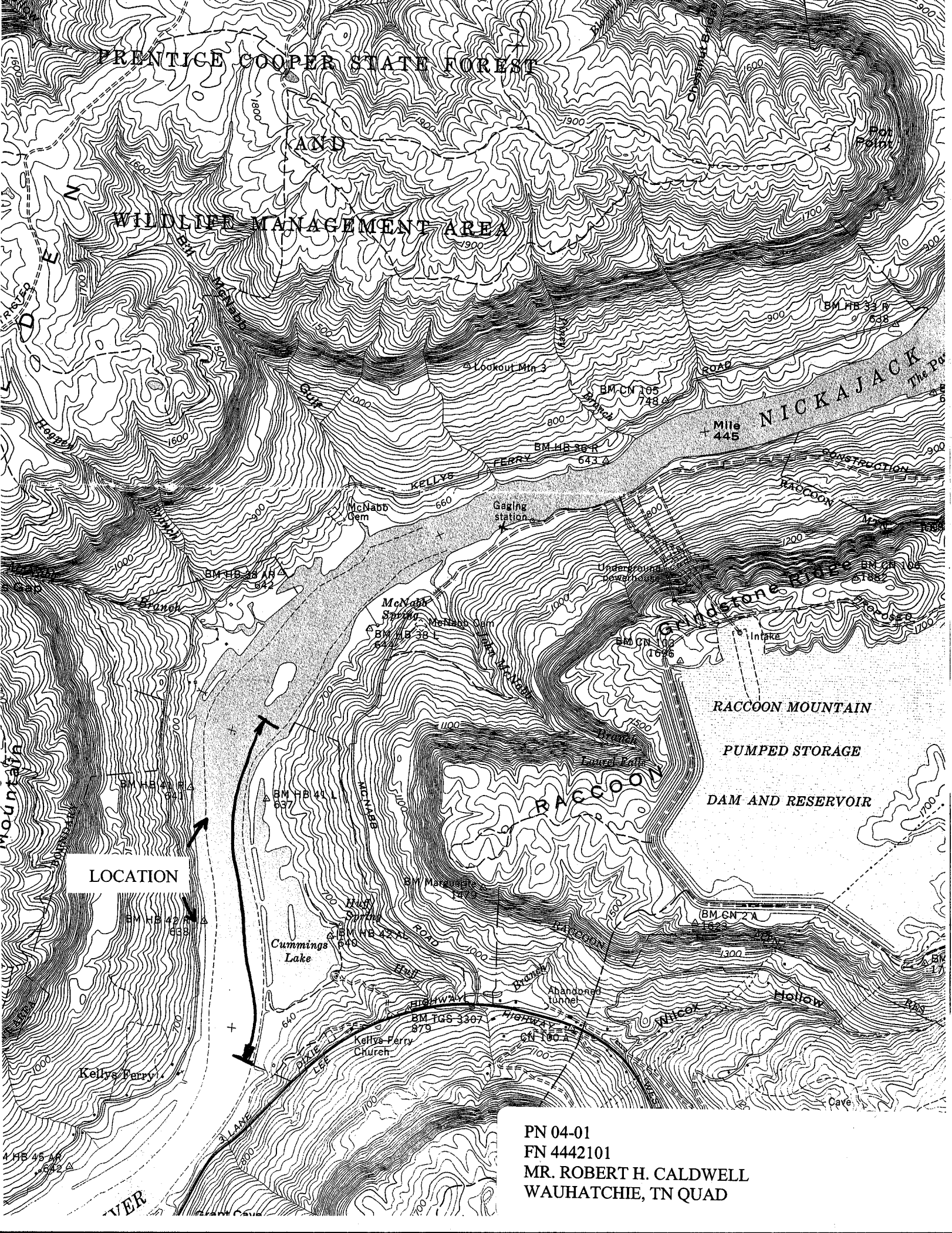
Based on available information, the proposed work will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time. This constitutes the full extent of investigations unless comment to this notice is received documenting evidence otherwise.

Other federal, state, and/or local approvals required for the proposed work are as follows:

- a. Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.
- b. Water quality certification from the State of Tennessee is required in accordance with Section 401(a)(1) of the Clean Water Act.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before **February 9, 2004**, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Ms. Deborah T. Tuck, at the above address, telephone (615) 369-7518. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Mr. Rick Lance, TVA Chickamauga-Nickajack Watershed Team, 1101 Market St., PSC 1E-C, Chattanooga, TN 37402-2801, telephone (423) 876-4179. Please send your comments relative to the §401 Water Quality Certification to Mr. Dan Eagar, Tennessee Division of Water Pollution Control, 7th Floor, L&C Annex, 401 Church Street Nashville, Tennessee 37243-1534, telephone (615) 532-0625.



PRENTICE COOPER STATE FOREST

AND

WILDLIFE MANAGEMENT AREA

NICKAJACK

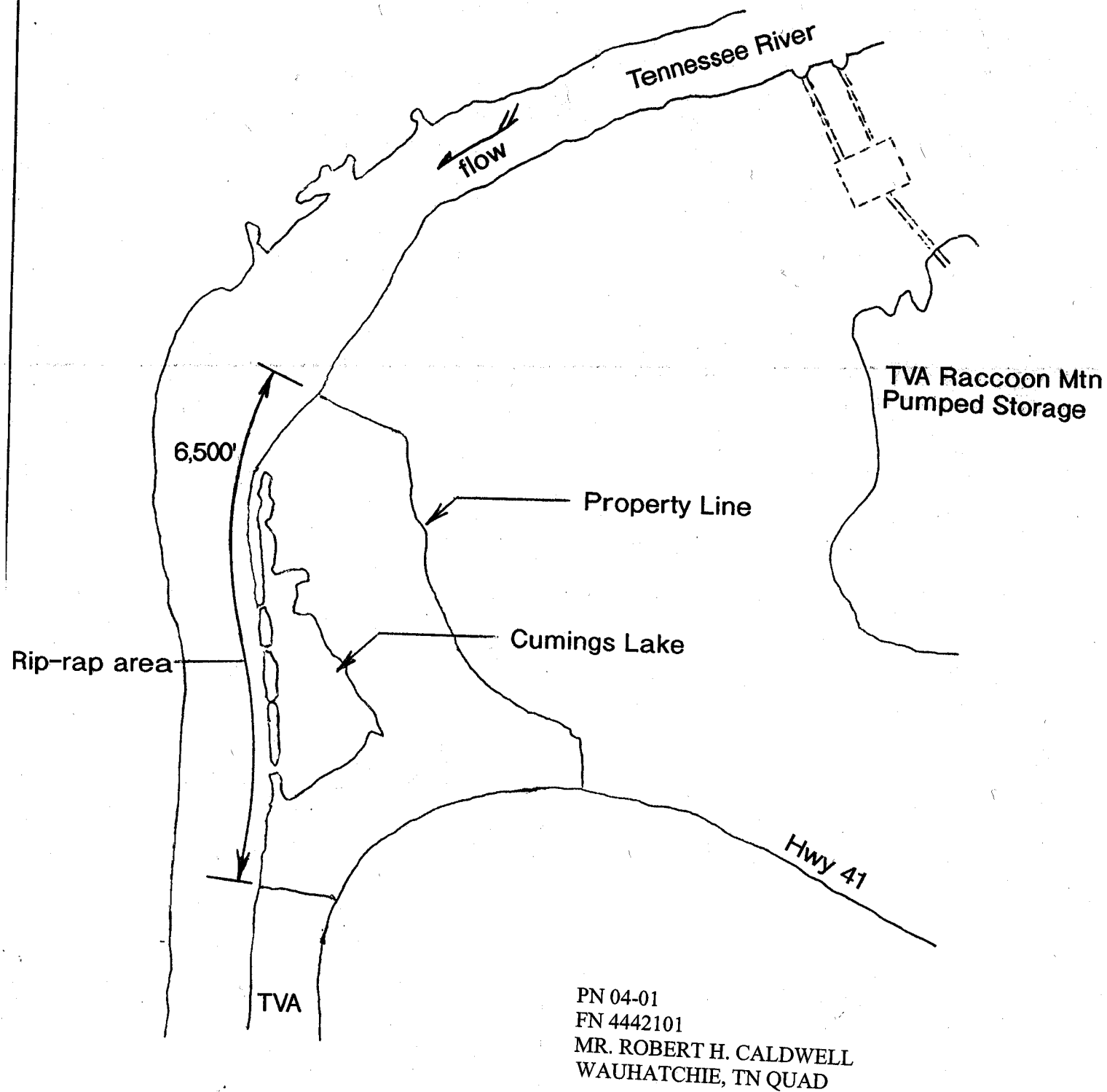
RACCOON MOUNTAIN

PUMPED STORAGE

DAM AND RESERVOIR

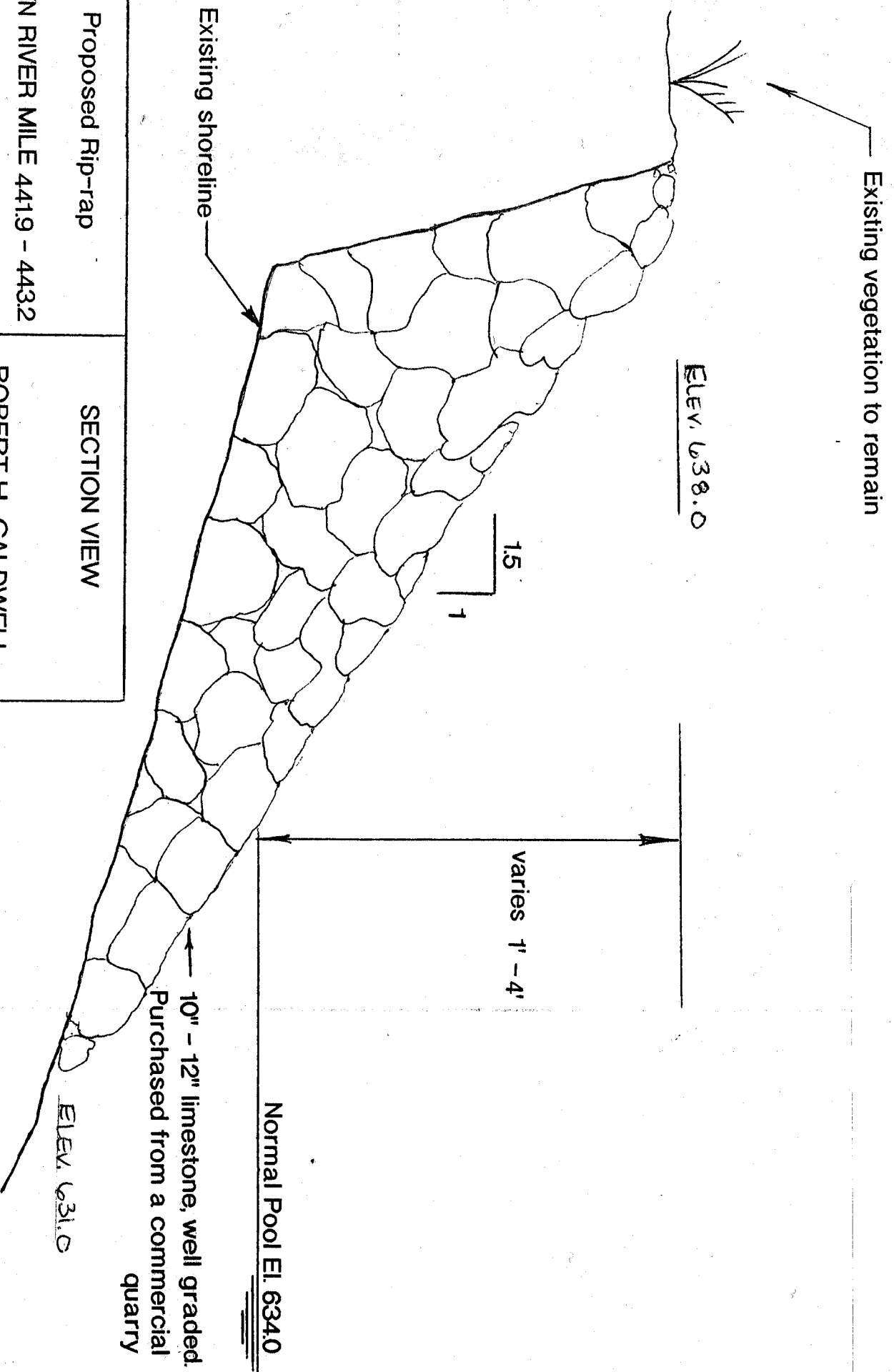
LOCATION

PN 04-01
FN 4442101
MR. ROBERT H. CALDWELL
WAUHATCHIE, TN QUAD



<p>Purpose: Prevent erosion along river bank</p> <p>Adjacent Property Owner: TVA (both sides)</p>	<p>PLAN VIEW</p> <p>ROBERT H. CALDWELL 22579 HIGHWAY 41 Chattanooga, TN</p>	<p>Proposed Rip-rap</p> <p>TN RIVER MILE 441.9 - 443.2 Marion County Tennessee</p> <p>Sheet 2 of 3 10/31/03</p>
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Proposed Rip-rap

TN RIVER MILE 441.9 - 443.2
Marion County Tennessee

SECTION VIEW

ROBERT H. CALDWELL
22579 HIGHWAY 41
Chattanooga, TN